

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT)	
CORPORATION and LAW DEBENTURE)	
TRUST COMPANY OF NEW YORK,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 04-1494 (JJF)
)	
NORTHWESTERN CORPORATION,)	
)	
Defendant.)	
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MAGTEN ASSET MANAGEMENT CORP.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-499 (JJF)
)	
MIKE J. HANSON and ERNIE J. KINDT,)	
)	
Defendants.)	

**ORDER GRANTING MOTION OF DEFENDANT
NORTHWESTERN CORPORATION FOR ORDER STRIKING
EXPERT REPORTS AND PRECLUDING TESTIMONY**

Upon the Motion filed by Northwestern Corporation, defendant in the above-captioned action (the "Motion"), seeking an order: (i) striking the expert reports submitted by Robert W. Berliner and Paul A. Marcus; (ii) precluding reliance thereon by Plaintiffs; and (iii) precluding any testimony by either Mr. Berliner or Mr. Marcus at trial currently scheduled for March 3, 2008, and after due and sufficient notice of the Motion having been given; and after due deliberation and sufficient cause therefor,

It is hereby ORDERED that the Motion is GRANTED, and pursuant to Rule 702 of the Federal Rules of Evidence, (i) the expert reports submitted by Robert W. Berliner and Paul A. Marcus (the "Reports") are hereby stricken; (ii) Plaintiffs are hereby precluded from relying upon the Reports; and (iii) neither Mr. Berliner nor Mr. Marcus are permitted to testify at the trial currently scheduled before this Court on March 3, 2008.

SO ORDERED this _____ day of _____ 2008.

The Honorable Joseph J. Farnan
United States District Court Judge